

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 33-43 remain pending in the application. No claims are amended by the present amendment.

In the outstanding Office Action, the Abstract was objected to; the specification was objected to as containing informalities; Claims 33-37 and 39-43 were rejected under 35 U.S.C. § 103(a) as obvious over Cognet (U.S. Patent No. 6,801,505 B1) in view of Amaral et al. (U.S. Patent No. 7,031,306 B2, hereinafter "Amaral") and Deshpande (U.S. Patent Application Publication No. 2003/0061371 A1); and Claim 38 was rejected under 35 U.S.C. § 103(a) as obvious over Cognet in view of Amaral, Deshpande, and Schuster.

Regarding the objection to the Abstract, Applicant has canceled the previous Abstract. Applicant submits herewith a new Abstract that better describes the claims and more fully conforms to one non-limiting example included in the specification. No new matter is added. Applicant respectfully requests the withdrawal of the objection to the Abstract.

Regarding the objection to the specification, Applicant has amended the paragraph beginning at page 3, line 30, in view of the outstanding objection. No new matter is added. The withdrawal of the objection to the specification is respectfully requested.

Independent Claims 33, 37, and 40 stand rejected under 35 U.S.C. § 103(a) as obvious over Cognet in view of Amaral and Deshpande. Applicant respectfully traverses this rejection.

Independent Claim 33 recites a media source, including

a sending unit configured to send out time-stamped media data packets to one or more receiving media sinks, a timestamp of one of the time-stamped media data packets indicating a time of creation of the one of the time-stamped media data packets; [and]

a determining unit configured to determine a play-out time offset

Applicant submits that no proper combination of Cognet, Amaral and Deshpande discloses or suggests these features.

Cognet is directed to the use of a computer to send time-stamped frames to a remote computer via a network.¹ In Cognet, a time stamp T_o of a data packet is calculated by $T_s + \delta$, where T_s indicates the instant of generation of the data packet, and δ indicates a time interval required by the computer between generating the data packet and sending the last bit thereof.²

It will be appreciated that the Cognet data packet has a *single* time stamp T_o . Applicant submits that the Cognet time stamp T_o fails to indicate the time of creation T_s , because T_o is the sum of T_s and the arbitrary time interval δ . Accordingly, in Cognet, *neither* the time of creation T_s *nor* the time interval δ can be derived from the time stamp T_o . Cognet's T_o merely corresponds to the point in time of sending the last bit of the data packet.³ Consequently, it is submitted that Cognet does not disclose or suggest a sending unit configured to send out time-stamped media data packets, a timestamp of one of the time-stamped media data packets indicating a time of creation of the one of the time-stamped media data packets, as recited in Claim 33.

Amaral is directed to buffering MPEG data packets received from a non-constant delay network and transmitting the data packets from the buffer at a determined play-out rate.⁴ Applicant submits that Amaral does not disclose or suggest a sending unit configured to send out time-stamped media data packets, a timestamp of one of the time-stamped media data packets indicating a time of creation of the one of the time-stamped media data packets, as recited in Claim 33. The Office Action does not rely on Amaral for this feature.

Deshpande is directed to a system and method for creating simultaneous media payout at multiple heterogeneous clients. Applicant submits that Deshpande does not

¹ Col. 2, l. 60-63.

² Abstract.

³ Abstract.

⁴ Col. 1, l. 14-17.

disclose or suggest a sending unit configured to send out time-stamped media data packets, a timestamp of one of the time-stamped media data packets indicating a time of creation of the one of the time-stamped media data packets, as recited in Claim 33. The Office Action does not rely on Deshpande for this feature.

Accordingly, Applicant submits that Cognet, Amaral, and Deshpande, taken alone or in combination, fail to disclose or suggest a sending unit configured to send out time-stamped media data packets, a timestamp of one of the time-stamped media data packets indicating a time of creation of the one of the time-stamped media data packets, as recited in Claim 33.

Further, Applicant submits that, in a non-limiting example, play-out includes *emitting audio sound*.⁵ Further, in another non-limiting example, the play-out time offset may be used as a basis for calculating a *common play-out time to play out the media data packet*, i.e., emit audio sound according to its data.⁶ Thus, Applicant respectfully submits that no proper combination of Cognet, Amaral, and Deshpande discloses or suggests a determining unit configured to determine a play-out time offset, as recited in Claim 33.

Applicant therefore submits that independent Claim 33 (and all associated dependent claims) patentably defines over any proper combination of Cognet, Amaral, and Deshpande.

Applicant further submits that independent Claims 37 and 40 are allowable for the same reasons as discussed above with regard to Claim 33 and for the more detailed features presented by these claims. Thus, it is submitted that independent Claims 37 and 40 (and all associated dependent claims) patentably define over any proper combination of Cognet, Amaral, and Deshpande.

Dependent Claim 38 stands rejected under 35 U.S.C. § 103(a) as obvious over Cognet in view of Amaral, Deshpande, and Schuster. Applicant submits that Schuster does not

⁵ Specification, p. 1, l. 13.

⁶ Specification, p. 4, l. 7-10.

remedy the above-noted deficiencies in Cognet, Amaral, and Deshpande. Thus, it is submitted that the rejection of dependent Claim 38 is moot.

Should the above distinctions be found unpersuasive, Applicant respectfully requests that the Examiner provide an explanation via Advisory Action pursuant to the Manual of Patent Examining Procedure, § 714.13, specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

Scott A. McKeown
Registration No. 42,866